

**No. 16-1015-SJ**

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**UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT**

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IMPULSE TECHNOLOGY LTD,

*Plaintiff-Appellant,*

v.

MICROSOFT CORPORATION, ET AL.,

*Defendant-Appellees.*

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*APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF DELAWARE, JUDGE RICHARD G. ANDREWS  
CASE NO. 1:11-CV-00586-RGA-CJB*

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**APPELLEES' UNOPPOSED MOTION FOR EXTENSION OF  
TIME TO FILE RESPONSIVE BRIEF**

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January 29, 2016

*Attorneys for Defendant-Appellees  
Microsoft Corp. and Electronic Arts Inc.*

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## **CERTIFICATE OF INTEREST**

Counsel for Defendants-Appellees Microsoft Corporation and Electronics Arts Inc. certifies the following:

1. The full name of every party or amicus represented by us is:

Microsoft Corporation and Electronics Arts Inc.

2. The name of the real party in interest represented by me is:

None

3. All parent corporations and any publicly held companies that own 10 percent of the stock of the party or amicus curiae represented by me are listed below.

None

4. The names of all law firms and the partner or associates that appeared for the party or amicus curiae now represented by me in the trial court or agency or are expected to appear in this court are:

**Sonal N. Mehta**

**Timothy C. Saulsbury**

Durie Tangri LLP

**Brian E. Farnan**

Farnan LLP

**Edward R. Reines**

**Derek C. Walter**

**Evan N. Budaj\***

**Justin M. Lee\***

Weil, Gotshal & Manges, LLP

\*No longer with Weil Gotshal & Manges LLP

**Timothy DeMasi\***

Weil, Gotshal & Manges LLP

\*No longer with Weil Gotshal & Manges LLP

**Kathryn H. Ruemmler**

Latham & Watkins LLP

**Gregory K. Sobolski**

Latham & Watkins LLP

### **CERTIFICATE OF INTEREST**

Counsel for Defendant-Appellee Konami Digital Entertainment, Inc.  
certifies the following:

1. The full name of every party or amicus represented by us is:

Konami Digital Entertainment, Inc.

2. The name of the real party in interest represented by me is:

Konami Digital Entertainment, Inc.

3. All parent corporations and any publicly held companies that own 10 percent of the stock of the party or amicus curiae represented by me are listed below.

Konami Corporation of America  
Konami Holdings Corporation

4. The names of all law firms and the partner or associates that appeared for the party or amicus curiae now represented by me in the trial court or agency or are expected to appear in this court are:

**Beiamin J. Fox**  
**Wendy J. Rav**  
Morrison & Foerster LLP

**Jack B. Blumenfeld**  
**Rodger Dallery Smith, II**  
Morris, Nichols, Arsht & Tunnell LLP

### **CERTIFICATE OF INTEREST**

Counsel for Defendant-Appellee Ubisoft, Inc. certifies the following:

1. The full name of every party or amicus represented by us is:

Ubisoft, Inc.

2. The name of the real party in interest represented by me is:

Ubisoft, Inc.

3. All parent corporations and any publicly held companies that own 10 percent of the stock of the party or amicus curiae represented by me are listed below.

Ubisoft Entertainment, S.A.

4. The names of all law firms and the partner or associates that appeared for the party or amicus curiae now represented by me in the trial court or agency or are expected to appear in this court are:

**Eric A. Buresh**

**Michelle L. Marriott**

Erise IP, P.A.

**Jack B. Blumenfeld**

**Rodger Dallery Smith, II**

Morris, Nichols, Arsht & Tunnell LLP

**Lynn C. Herndon**

Shook Hardy & Bacon

Defendant-Appellees Microsoft Corporation, Electronic Arts Inc., Konami Digital Entertainment Inc., and Ubisoft, Inc. (“Appellees”) respectfully move for a 45-day extension of time to file their responsive brief, changing the deadline from March 4, 2016 to April 18, 2016. No previous extensions for this brief have been sought or granted.

Good cause justifies the requested extension. As set forth in the accompanying Declaration of Sonal N. Mehta, the additional time is sought to allow Appellees to prepare their briefing so as to be most helpful for the Court. Specifically, the additional time is necessary for counsel for Appellees to consider Appellant’s opening brief and to coordinate amongst themselves (including their separate counsel) to file a single, consolidated responsive brief.

As noted above, Appellant does not oppose this motion. Specifically, in discussing Appellant’s request for a 45-day extension on its opening brief (which this Court granted), the parties agreed to commensurate extensions of up to 45 days. Accordingly, counsel for Appellant has informed counsel for Appellees that Appellant does not oppose the requested extension and will not file a response to the request for an extension.

Appellees therefore respectfully request that the Court extend the deadline to file Appellees’ responsive brief by 45 days to and including April 18, 2016. A proposed order is submitted herewith.

Dated: January 29, 2016

Respectfully submitted,

DURIE TANGRI LLP

By: /s/ Sonal N. Mehta  
SONAL N. MEHTA

*Attorneys for Defendant-Appellees  
Microsoft Corporation and Electronic  
Arts, Inc.*

Dated: January 29, 2016

Respectfully submitted,

MORRISON & FOERSTER LLP

By: /s/ Wendy J. Ray  
WENDY J. RAY

*Attorneys for Defendant-Appellee  
Konami Digital Entertainment Inc.*

Dated: January 29, 2016

Respectfully submitted,

ERISE IP

By: /s/ Michelle Marriott  
MICHELLE MARRIOTT

*Attorneys for Defendant-Appellee  
Ubisoft, Inc.*

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**DECLARATION OF SONAL N. MEHTA IN SUPPORT OF  
APPELLEES' UNOPPOSED MOTION FOR EXTENSION OF  
TIME TO FILE RESPONSIVE BRIEF**

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January 29, 2016

*Attorneys for Defendant-Appellees  
Microsoft Corp. and Electronic Arts Inc.*

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## **DECLARATION OF SONAL N. METHA**

I, Sonal N. Mehta, hereby declare as follows:

1. I am a partner at Durie Tangri LLP. I am lead counsel for Appellees Microsoft Corporation and Electronic Arts Inc. in this appeal. I am admitted to practice law in the State of California. I submit this declaration pursuant to Federal Circuit Rule 26(b) in support of Appellees' Unopposed Motion For Extension Of Time To File Responsive Brief seeking a 45-day extension of time for filing of appellees' responsive brief in this appeal. I make this declaration as required by Circuit Rule 26(b)(5). I have knowledge of the facts set forth below and, if called as a witness, could and would testify to them.

2. The principal brief of Appellant Impulse Technology Ltd. ("Appellant") was filed on January 22, 2016, after Appellant sought and was granted a 45-day extension of time.

3. Appellees' responsive brief is currently due March 4, 2016. Appellees' motion seeks an extension of 45 days to and including April 18, 2016.

4. Appellees have not previously sought an extension for their responsive brief.

5. There is good cause for a 45-day extension of time to file Appellee's responsive brief. The additional time is sought to allow Appellees to prepare their briefing so as to be most helpful for the Court. Specifically, the additional time is necessary for counsel for Appellees to consider Appellant's opening brief and to

coordinate amongst themselves (including their separate counsel) to file a single, consolidated responsive brief.

6. I have consulted with counsel for Appellant Impulse Technology Ltd. regarding this extension request. Counsel for Appellant has advised me that the Appellant does not oppose the grant of a 45-day extension.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: January 29, 2016

/s/ Sonal N. Mehta

Sonal N. Mehta

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**[PROPOSED] ORDER GRANTING APPELLEES'  
UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE  
RESPONSIVE BRIEF**

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January 29, 2016

*Attorneys for Defendant-Appellees  
Microsoft Corp. and Electronic Arts Inc.*

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Appellees, having moved without opposition for a 45-day extension of time to file Appellees' responsive brief ("Appellees' Brief"), and good cause therefore being shown: IT IS HEREBY ORDERED that the motion be GRANTED. Appellees' Brief is now due on or before April 18, 2016.

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FOR THE COURT

**ECF-3(B)(2) REPRESENTATION**

Pursuant to this Court's Administrative Order Regarding Electronic Case Filing, the undersigned represents under ECF-3(b)(2) that counsel for Appellees Konami Digital Entertainment, Inc. and Ubisoft, Inc. have consented to their signatures on the Certificates of Interest and this Unopposed Motion For Extension Of Time To File Responsive Brief.

**CERTIFICATE OF SERVICE**

I hereby certify that, on this 29th day of January, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and thereby served, via email, a true and correct copy of the same to the following:

*/s/ Sonal N. Mehta*

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SONAL N. MEHTA